

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing a Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-Up	)	WC Docket No. 03-109
	)	
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208

**ALASKA COMMUNICATIONS SYSTEMS GROUP, INC.**  
**PETITION FOR LIMITED WAIVER**

**I. INTRODUCTION AND SUMMARY**

Alaska Communications Systems Group, Inc., on behalf of its operating subsidiaries (“ACS”),<sup>1</sup> hereby requests a limited waiver of the new call signaling rules (the “phantom traffic” rules)<sup>2</sup> adopted by the Commission in its *USF/ICC Transformation*

---

<sup>1</sup> In this proceeding Alaska Communications Systems Group, Inc. represents four local exchange carriers, ACS of Alaska, Inc., ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of the Northland, Inc., as well as ACS Long Distance, Inc., ACS Cable, Inc., ACS Internet, Inc., and ACS Wireless, Inc. Together, these companies provide wireline and wireless telecommunications, information, broadband, and other network services to residential, small business and enterprise customers in the State of Alaska and beyond, on a retail and wholesale basis, using ACS’s statewide and interstate facilities.

<sup>2</sup> See 47 C.F.R. §64.1601(a)(1)-(2).

*Order*.<sup>3</sup> ACS seeks a limited waiver of these rules because, in certain circumstances, it is not technically feasible for ACS to implement the rules due to deficiencies in the company's currently deployed equipment, and due to the absence of necessary industry standards.

In the *USF/ICC Transformation Order* the Commission amended its rules to address “phantom traffic,” specifically traffic originating on the public switched telephone network (“PSTN”) or destined for the PSTN that is received by a telecommunications carrier or voice over Internet protocol (“VoIP”) service provider from another telecommunications or VoIP service provider that lacks certain identifying information.<sup>4</sup> The Commission is requiring Signaling System 7 (“SS7”)-capable networks to pass unaltered the Charge Number (“CN”) where it is different from the Calling Party Number (“CPN”);<sup>5</sup> requiring service providers that use Multi-Frequency (“MF”) signaling to pass the CPN, or the CN if it is different, in the MF Automatic Number Identification (“ANI”) field;<sup>6</sup> and requiring VoIP providers, as well as intermediate providers in the call path, to transmit the telephone number of the calling party for all traffic terminated on the PSTN.<sup>7</sup> The Commission declined to adopt exceptions to the new call signaling rules for circumstances in which it would not be technically feasible to comply given the network technology deployed or where industry

---

<sup>3</sup> *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, in WC Docket Nos. 10-90 *et al.*, FCC 11-161 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”).

<sup>4</sup> *See USF/ICC Transformation Order* at ¶ 703.

<sup>5</sup> *See USF/ICC Transformation Order* at ¶ 714; 47 CF.R. §64.1601(a)(1).

<sup>6</sup> *See USF/ICC Transformation Order* at ¶ 716; 47 CF.R. §64.1601(a)(1).

<sup>7</sup> *See USF/ICC Transformation Order* at ¶ 717; 47 CF.R. §64.1601(a)(1), (2).

standards would permit deviation from the duty to pass signaling information unaltered.<sup>8</sup>

The Commission noted, however, that parties seeking limited exceptions or relief in connection with the call signaling rules may avail themselves of the Commission's established waiver procedures.<sup>9</sup>

Grant of a waiver in this instance is warranted for good cause, as discussed below, and is consistent with the public interest. The Commission may waive its rules for "good cause shown."<sup>10</sup> More specifically, the Commission may exercise its discretion to waive a rule where special circumstances warrant a deviation from the general rule and such deviation would serve the public interest.<sup>11</sup> The Commission may take into account consideration of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>12</sup> For reasons similar to those identified in the petitions for waiver filed by AT&T, CenturyLink, General Communication, Inc. and Verizon,<sup>13</sup> ACS demonstrates below that good cause exists to grant the instant waiver.

---

<sup>8</sup> See *USF/ICC Transformation Order* at ¶ 723.

<sup>9</sup> See *id.*

<sup>10</sup> 47 C.F.R. §1.3.

<sup>11</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>12</sup> *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

<sup>13</sup> See AT&T Petition for Limited Waiver, WC Docket Nos. 10-90 *et al.* (filed Dec. 29, 2011) ("AT&T Petition"); CenturyLink Inc. Petition for Limited Waiver, WC Docket Nos. 10-90 *et al.* (filed Jan. 23, 2012) ("CenturyLink Petition"); Verizon Petition for Limited Waiver, WC Docket Nos. 10-90 *et al.* (filed Feb. 10, 2012) ("Verizon Petition"); General Communication, Inc. Petition for Limited Waiver, WC Docket Nos. 10-90 *et al.* (filed Feb. 27, 2012) ("GCI Petition").

## **II. IT IS TECHNICALLY INFEASIBLE FOR ACS TO FULLY IMPLEMENT THE NEW PHANTOM TRAFFIC RULES WITHOUT SIGNIFICANT NETWORK MODIFICATIONS**

ACS's SS7 switches and MF signaling trunks are not capable of generating or passing the information required by the new "phantom traffic" rules in all cases. Further, the lack of industry standards on IP signaling prevents reliable information from being generated or passed. For these reasons, and as more fully explained below, compliance with the rules is technically infeasible for ACS at this time.

### ***SS7 Charge Number***

With a few limited exceptions, ACS's SS7 switches have not been used to generate or pass CN in the signaling field when it is different from the CPN. ACS's PRI trunk groups are set up to send out both CPN and CN,<sup>14</sup> but otherwise ACS's SS7 switches do not send CN when it differs from CPN because like other carriers ACS was not required previously to provide this information to other carriers.<sup>15</sup> Moreover, SS7 never was universally implemented by Alaska carriers.<sup>16</sup> Indeed, most traffic in the Bush relies not on SS7 but on DAMA signaling via satellite.<sup>17</sup> As GCI observes, Alaska's carriers have negotiated non-standard arrangements to solve traffic completion problems that may be unique to the state.

---

<sup>14</sup> With regard to PRI trunk groups, when a CN is sent to the ACS long distance toll switch, that toll switch will pass the CN in the signaling field, in addition to the CPN, to the next leg of the call.

<sup>15</sup> See 47 C.F.R. § 64.1601. Outside of ACS's PRI trunk groups, ACS's SS7 switches do not currently have the option to send CN when it differs from CPN. The majority of ACS's SS7 switches are not associated with PRI trunks, and therefore, the majority of ACS's SS7 switches cannot currently pass CN when it differs from CPN.

<sup>16</sup> See GCI Petition at 1-2.

<sup>17</sup> See GCI Petition at 2.

ACS has populated the CN field with numbers that facilitate billing and service processing, which information was not transmitted to other carriers as it would have no meaningful purpose. In order to transmit CN when it is different from CPN, in most cases (*i.e.*, SS7 switches not associated with PRI trunk groups) ACS would be required to upgrade its SS7 switches, but even this would not solve the lack of SS7 capability more broadly in Alaska.

### ***MF Signaling Automatic Number Identification***

MF signaling has not been used to forward originating CN or CPN data to a terminating carrier in the MF ANI field, because MF signaling was not designed to do so. Instead, MF ANI was designed, and has been used, to provide interexchange carriers with the data they needed to bill end-user customers that originate calls.<sup>18</sup> ACS's network does not support the capability to pass CPN or CN in the ANI field. Moreover, ACS concurs with GCI that the MF signaling protocol does not have the ability to pass privacy indicators that a caller may have selected.<sup>19</sup> Even if ACS could pass CPN or CN in the MF signaling ANI field, without the ability to know which calls have a privacy indicator, ACS cannot ensure that it will not pass CPN or CN when it should not be passed for privacy and safety reasons.<sup>20</sup> Carriers should not be required to pass CPN or CN when they cannot ensure that the caller intended the CPN or CN to remain private.

---

<sup>18</sup> The Commission has acknowledged the technical limitations of passing required data using MF signaling. *See USF/ICC Transformation Order* at ¶ 716 and FN 1228.

<sup>19</sup> *See* GCI Petition at 5-6.

<sup>20</sup> While there are many privacy and safety reasons that a caller might choose not to have his or her CPN or CN passed to the called party, one poignant example is the need to prevent tracing of a call from a domestic assault victim.

In order to implement the new “phantom traffic” rules with regard to MF signaling, ACS would need to upgrade switches or even replace certain equipment. Yet, in remote and rural areas of Alaska switch upgrades to SS7 are not economically viable at this time. The Commission should not mandate such switch upgrades.

### ***VoIP Traffic Connecting to PSTN***

Currently there is no standardized signaling for IP traffic, which limits and may prevent CPN and CN information from being passed to a terminating carrier.<sup>21</sup> Until there are industry standards for IP signaling, there will be no reliability of the data provided. Furthermore, requiring carriers to develop solutions in advance of industry solutions, particularly solutions that may need to be altered as the industry develops standards, will cause carriers to incur unnecessary costs.

### **III. A LIMITED WAIVER OF THE “PHANTOM TRAFFIC” RULES IS IN THE PUBLIC INTEREST**

Even if ACS had the technical capability to comply with some of the new phantom traffic rules by investing in equipment upgrades, the costs of compliance would outweigh the potential benefits.

First, ACS has not improperly disguised traffic it sends to other carriers nor engaged in any other practices designed to stymie inter-carrier settlements. There would be no concrete benefit to requiring ACS to comply with the rules described herein. Second, the Commission’s mandatory reductions in inter-carrier compensation will moot the “phantom traffic” issue within a few years by systematically moving all telecommunications traffic and VoIP traffic to bill- and-keep. Thus, the benefit, if any, of new investment in signaling for the purpose of properly identifying the jurisdiction of

---

<sup>21</sup> See Verizon Petition at 8.

voice traffic would be of extremely short duration. Third, ACS is expected to spend its limited capital on expansion of its broadband capabilities for next-generation services, according to the *CAF/ICC Transformation Order*; the expenses that ACS would incur in complying with the call signaling rules would directly impede ACS's ability to fulfill that FCC goal.

Because the benefits of strict compliance with the new phantom traffic rules would be outweighed by the costs, grant of the narrow waiver to ACS for the SS7 Charge Number requirement, the MF Signaling Automatic Numbering Identification requirement, and the VoIP signaling requirements would serve the public interest.

#### **IV. CONCLUSION**

Good cause is shown to grant ACS's request for waiver of its call signaling rules for the circumstances described above, in which compliance with the new rules is technically infeasible using currently deployed equipment, or industry standards do not exist.

Respectfully submitted,

/s/

Leonard Steinberg  
General Counsel and Corporate Secretary  
ALASKA COMMUNICATIONS SYSTEMS  
GROUP, INC.  
600 Telephone Avenue  
Anchorage, Alaska 99503  
(907) 297-3000

Karen Brinkmann  
Robin Tuttle  
KAREN BRINKMANN PLLC  
555 Eleventh Street, NW  
Mail Station 07  
Washington, D.C. 20004-1304  
(202) 365-0325  
[KB@KarenBrinkmann.com](mailto:KB@KarenBrinkmann.com)

*Counsel for ACS*

March 16, 2012